

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 6, 2015

Work Session 4:00 p.m. Policy Session 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Norman, Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Brad Hickman, Parks & Recreation Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

1. **CITY ADMINISTRATOR INFORMATION ITEMS** – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information only and do not require action by the City Council.

A. Presentation – Citizen Survey

BYU MPA student Nicole Christiansen, recently an intern in the Administration Department, presented the results of the Citizen Survey. This year, the survey was emailed to residents with utility accounts, in addition to posting links on social media and the City website, which provided more responses than in previous years.

After describing the methodology used for the survey, Nicole presented the results (department results rounded to the nearest whole percent).

Elected Officials: 89.92% neutral to very satisfied.

Administration: 91.25% neutral to very satisfied.

Finance Department: 86.49% neutral to very satisfied.

City Recorder: 93.72% neutral to very satisfied.

Economic Development: 61.45% neutral to very satisfied.

Public Communication: 92.91% neutral to very satisfied.

Planning Department: 70.21% neutral to very satisfied.

Building Department: 80.10% neutral to very satisfied.

Code Enforcement: 46.33% neutral to very satisfied.

Special Events: 81.53% neutral to very satisfied.

Library: 87.11% neutral to very satisfied.

Ratings of services and other issues can be found in the survey document.

The Council discussed the results of the survey, taking into consideration the very small number of responses. Mayor Pengra said the survey will be discussed thoroughly at another time.

B. Discussion – Value Ranking System for Public Improvements

This was a continuation of the discussion held at a special Work Session on September 29th regarding the use of the proceeds from the sale of the City's gas and electric utility systems. Mayor Pengra updated the list of proposed projects based on that discussion.

He began by asking each Councilmember for their overall vision of how the utility sale proceeds should be used.

Councilmember Steinkopf wanted to spend the money on "impact projects," those that would benefit the residents the most, but wouldn't be covered by the City budget in the near future. He would like to see a destination park that would serve all abilities.

Councilmember Burnham also wanted a destination park that would serve a lot of residents. She wanted a small component of that to be designed for autistic children. It would need a fence to keep the children from running out. She would also like existing, unfinished projects completed.

Councilmember Ireland agreed that a destination park, perhaps a discovery park, would be a good use for the funds. He would also like to complete projects around the City.

Councilmember Westmoreland wanted to ease Eagle Mountain's bond burden and save the City and taxpayers money. He would also like to promote an active, healthy lifestyle which includes an agricultural component. He wanted to use water in a productive way. He also wanted unfinished projects completed.

Councilmember Bradley said he felt this is money that can be spent on more than the basics. He wanted to build something that will last for a long time, but that wouldn't be a maintenance burden in the long term. He said the City should pay off debt and take this unusual opportunity to invest. He wanted to finish or fix projects that have never been completed. While he had been against spending the funds on trails, he decided building connecting paths would be positive for the residents. He agreed with the suggestions for a destination park as an improvement to Wride Memorial Park. A skate park in The Ranches and a splash pad in City Center would be nice. He'd also like to improve the bike park.

Mayor Pengra discussed the project list, as amended after last week's meeting and including information from the Citizen Survey. This is still a preliminary list. Partial construction of Bobby Wren Blvd. is on the list, as well as completion of Golden Eagle Road and Eagle Mountain Blvd. Wride Memorial Park improvements, including construction of a parking lot and improvement of the northern portion of the park are on the list, as well. Additionally, there will be a major contribution from a developer for that northern section.

In response to a question, Mr. Pili said Neptune Park cost Saratoga Springs \$2.2M.

At Mayor Pengra's request, Mr. Mumford went through the project list and removed all trails except those that provide connectivity between neighborhoods. Mayor Pengra suggested \$500,000 for landscaping in The Ranches and \$500,000 for landscaping in City

Center. The matching program for parks in existing subdivisions was reduced from \$5M to \$1M.

\$867,000 was proposed for paying off Special Assessment Areas.

Mayor Pengra listed the other projects remaining in the proposed project list:

- cemetery fence
- splash pad upgrade
- trail connectivity projects
- streetscaping
- the City's 20-year anniversary
- bike park improvements
- benches, shade structures and garbage cans along the trails
- improvements to the SilverLake Amphitheater
- improvements to medians along Pony Express Parkway
- small bleachers in parks for recreation spectators
- fencing for the rodeo grounds
- previously approved road projects
- improvements to Pioneer Park
- remodeling of the basement in the Community Development Building
- restrooms at Smith Ranch, Walden and Pioneer Parks

In addition to the utility sale proceeds, there will be a small revenue stream from past-due accounts receivable remaining from gas and electric utility accounts.

Discussion ensued on which items were approved to be funded by the General Fund budget, and how much money was available to pay for them. Finance Director Paul Jerome stated there is \$1M remaining in the utility proceeds after the proposed projects, as well as \$2M budgeted in the General Fund. Mr. Pili said he planned on these projects being funded by the proceeds from the utility sale, however, the road projects could be switched to the Capital Projects Fund if the Council wanted to.

Councilmember Burnham noted that the \$1M Mayor Pengra requested for water projects wasn't listed in the potential projects list. Mayor Pengra stated he didn't list it specifically because some of those water projects are included on the project list.

Councilmember Burnham noted the splash pad proposal was removed from City Center and moved to Wride Memorial Park. She felt it should be in an established neighborhood. Mayor Pengra suggested it should be part of a destination park because more people will know about it, but was amenable to placing it in a neighborhood park.

Councilmember Steinkopf felt a splash pad might not fit in with team sports. He would like to see more special-needs playgrounds.

Councilmember Ireland stated that the 56 acres in Wride Park is a lot of land to fill. He thought it was important to consider how activity areas are grouped. Children's play areas should be separate from team sports fields. He wondered if there were cost savings to building the park in fewer phases, perhaps with help from a developer. Discussion ensued on the phasing of the park.

2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

9. Minutes

Councilmember Steinkopf asked whether the discussion of street construction included a 4" minimum layer of asphalt. City Engineer Chris Trusty explained that the construction standards stated the depth of asphalt on major roads would depend on the results of geotechnical studies. Any road in the City that has a 3" depth will have to be increased to a 4" depth in places where repairs are made that cut into the asphalt.

11. Budget Amendments

Assistant City Administrator/Finance Director Paul Jerome described the proposed budget amendments, including carry-over expenditures that were approved in the prior fiscal year, a replacement dump bed for a snow plow truck, a water system improvement plan, a waterline extension for the North Service Area, various General Fund capital projects (building improvement, a road project, etc.), an impact fee analysis, and impact fee facilities plans.

Councilmember Ireland asked which amendments have already been paid for. Mr. Jerome said only the trail crack seal has already been done.

Mayor Pengra explained the Dispatch Center expenditure was approved in FY 2015, but all of the money wasn't spent in that fiscal year, so it had to be brought into this fiscal year as a budget amendment.

Councilmember Steinkopf asked what the City will get for the \$5,000 water consultant fee. Mayor Pengra responded it will be a two-day consultation, probably followed by a presentation to the Council. The consultant will identify ways in which the City can most easily make improvements at a low cost.

Councilmember Bradley wanted the total to be shown on the first page of the amendments.

Councilmember Burnham said the sources of the money should be on the first page, as well.

Councilmember Bradley asked about the water improvement plan. Mayor Pengra said that it follows from the sale of the utilities. Now that the City doesn't have its own electric utility, it's paying around \$650,000 per year to pump water. The plan will determine how to minimize the City's water pumping costs.

Councilmember Bradley wanted to know why the North Service Area waterline was a budget amendment rather than being included in the fiscal year budget. Mr. Pili said the need was known during the budget process, but the amount was unknown. The same goes for the Community Development Building project.

Councilmember Bradley asked about the wastewater impact fee analysis. Mr. Trusty said it's been in process for quite a while. It was expected to be finished during the last fiscal year, but it took longer than expected.

Councilmember Bradley asked why it would take \$10,000 to analyze the park impact fees. Mr. Trusty said it would cost more like \$8,400. Eagle Mountain's park impact fees are among the

lowest in the county. Based on the value of the City's parks, the park impact fees should be much higher.

12. Historic Preservation Ordinance

Recent development applications have brought up the need for a code to both protect unique archeological and historic resources and to allow developers adequate flexibility to protect these sites. Sites would have to meet specific criteria to be designated as protected and placed on a City registry.

Councilmember Ireland asked why historical preservation needs to be added to the Municipal Code. Mr. Jerome responded that, while the developer who owns the petroglyph sites has been very cooperative, future sites may be found which don't receive that kind of cooperation. Historic preservation studies are already required by the State for any projects funded by grants.

The rest of the agenda was left for the Policy Session, as time ran out in Work Session.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ireland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

Mayor Pengra adjourned the meeting at 6:24 p.m.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Norman, Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Brad Hickman, Parks & Recreation Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:09 p.m.

5. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1250 presented a flag ceremony.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Candidates' Debate** – A debate for City Council candidates will be held on Thursday, October 15 at 7 p.m. at Frontier Middle School.
- **Trick or Treat Village** – Eagle Mountain City's annual Trick or Treat Village offers FREE fun for everyone. This year's activities include Village Row, Monster Mash dance, games, contests, candy, and more! The event will be held on Saturday, October 24 from 10:00 a.m. to 2:00 p.m. at Nolan Park. Businesses are invited to register for a booth. There is a registration link on the City website, Calendar.
- **General Election** – The 2015 Municipal Election will be held on Tuesday, November 3. Early voting for the General Election runs from Tuesday, October 20 to Friday, October 30 at City Hall, with the following schedule:
 - Tuesday: 8:00 a.m. – Noon
 - Monday, Wednesday, Thursday, Friday: 1:00 p.m. – 5:00 p.m.For up-to-date election information, please visit www.eaglemountaincity.com/election.
- **Bag the Leaf** – The City will once again be offering the Bag the Leaf collection program. The City will provide free leaf bags to residents through November 30, while supplies last. Bags can be picked up at City Hall or The Ranches HOA office. There will be curbside pick-up on weekdays. You may email Larry at ldiamond@emcity.org to notify us when you have bags ready for pick up. For complete program information, please visit the City website, News section.

7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Matt Visser, representing the Youth Council, asked the City to come to the Youth Council and let them know what they can do to help the City. On the amendment to the outdoor lighting ordinance, he said no exception should be made for businesses.

8. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Steinkopf

Councilmember Steinkopf welcomed everyone to the meeting, especially the Boy Scouts.

Councilmember Burnham

Councilmember Burnham congratulated Troop 1250 on the flag ceremony. She reminded everyone of the candidates' debate on October 15.

Councilmember Ireland

Councilmember Ireland congratulated the Boy Scouts on the great job they did on the flag ceremony. He asked everyone to become informed about the candidates and vote.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone. He said Utah made national news recently when an HOA passed an ordinance against flying the American flag. He encouraged everyone to fly the flag regularly.

Councilmember Bradley

Councilmember Bradley welcomed the Boy Scouts, who were from his neighborhood, and the firefighters in the audience. He mentioned that, in the Work Session, the Council discussed the Citizen Survey. Councilmember Bradley said he would look at the results and act accordingly. He asked Mayor Pengra if a communications alert system has been implemented in the City. Public Information Director Linda Peterson stated that the Everbridge system isn't in place yet because it's a county-wide system that is still being implemented.

Mayor Pengra

Mayor Pengra appreciated the Boy Scouts attending the meeting. He discussed a memorandum of understanding between multiple stakeholders on the proposed target shooting ban on the east side of Lake Mountain. Although it doesn't directly involve the Council, Mayor Pengra wanted them to know about anything he does that involves the City's interests.

He reminded everyone to wear safe, light-colored or reflective costumes for Halloween.

CONSENT AGENDA

9. MINUTES

- A. September 15, 2015 – Regular City Council Meeting

10. BOND RELEASES – Out of Warranty

- A. Autumn Ridge, Phase II
- B. Valley View Ranch, Plat A, Phase 4
- C. Valley View Ranch, Plat A, Phase 6

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

11. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2015-2016 Annual Budget.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The proposed amendments to the FY 2015-2016 annual budget include rollover funds for the Dispatch Center, improvements to the skate park and the Eagle Park entrance, water planning and a water line, completion of the basement in the Community Development Building, trees, trail crack seal, a new dump bed for a snow plow truck, and road projects.

Councilmember Bradley stated that he would like to see the total fiscal impact on the front page of the spreadsheet.

Mayor Pengra opened the public hearing at 7:33 p.m. As there were no comments, he closed the hearing.

Councilmember Bradley asked what specific funding source would be used for the water and sewer capital projects. Mr. Pili said it would be a combination of sources, including impact fees and the Water Fund.

Councilmember Bradley asked what funding would be used for the Community Development Building project. Mr. Pili said it could potentially come from the utility sale proceeds.

Mayor Pengra noted that the remodel of the Community Development Building is a direct result of the utility sale.

Councilmember Ireland stated that, in the past, budget amendments have often been brought to the Council after the money has already been spent. In this case, the budget is being amended before the projects are approved later in this meeting. He wanted to know why.

Mr. Pili said most of the projects have already been approved, but exact costs hadn't been determined before.

Councilmember Ireland said he would prefer the budget amendments be presented as separate agenda items, so Councilmembers who objected to one or more amendments could vote on them individually.

Mayor Pengra moved the vote on the budget amendment to the end of the agenda, so the projects being funded can be approved before their funding is approved.

PUBLIC HEARING

12. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 17.58 of the Municipal Code for Historical Preservation.

This item was presented by Assistant City Administrator/Finance Director Paul Jerome. The purpose of the proposed ordinance is to designate important historical and archaeological sites in Eagle Mountain, encourage the preservation of important historical and archaeological site locations, and avoid the unnecessary or inadvertent disturbance of these sites, including prehistoric or historic human remains. Having an ordinance in place also allows the City to apply for historical preservation grants.

City staff will work closely with developers to minimize disruption to the projects while protecting the sites.

A City register will be created to list the sites. A historic preservation board may be created. Sites must meet the following criteria:

- The site is located within the boundaries of Eagle Mountain City.
- The items that contribute to the important historical or archaeological site are a minimum of one hundred (100) years old (either by record or by the determination of experts or state historic preservation officers).
- The site retains its integrity in that there are no major alterations that have obscured or destroyed the significant archaeological features.

One other criterion from the following list will also have to be met:

- The site is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register under the provisions of 36 CFR 60.6(s).
- The site is associated with events that have made a significant contribution to the broad patterns of the prehistory or history of the city, state, or nation.
- The site is associated with lives of persons significant in the prehistory or history of the city, state, or nation.
- The site embodies the distinctive characteristics of a rare or unique type, period or method of construction, or that it represents the work of a master, or that it recognizes high artistic values or style, or that it represents a significant and distinguishable entity whose components may lack individual distinction.
- The site has yielded or may be likely to yield information important in prehistory or history.

Records of the sites will be protected, meaning they will not have to be produced for records requests, which will avoid disclosing the locations of the sites that need to be kept safe from vandalism or theft.

Councilmember Westmoreland asked if this creates any disincentive for developers to disclose sites they discover. Mr. Jerome said it is designed to encourage the developer to work with City staff.

Councilmember Ireland said most of the sites are already known. Mr. Jerome responded that there are sites whose location haven't been disclosed and very likely others that haven't been discovered.

City Attorney Jeremy Cook pointed out the ordinance provides a framework for protecting private property rights as well as historical sites. A written framework is required so the sites are dealt with in a consistent manner.

Mayor Pengra opened the public hearing at 8:10 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 17.58 of the Eagle Mountain Municipal Code for historical preservation. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

PUBLIC HEARING

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Amending Chapter 17.56 of the Eagle Mountain Municipal Code for Outdoor Lighting.

This item was presented by Planning Director Steve Mumford. The proposed Code amendment for outdoor lighting would allow for parking lot light poles to be up to 30' in height, provided that motion sensor dimmers are installed.

Mayor Pengra opened the public hearing at 8:17 p.m.

Mayor Pengra read a comment from Jody Hooley, a resident who was unable to attend the meeting. Ms. Hooley asked the Council to protect the City's dark sky. She said that the ability to see stars and constellations was more important than businesses wanting to locate here but objecting to the City's lighting standards.

Matt Visser said the City shouldn't change its ordinances to satisfy business owners. If they don't want to comply with City ordinances, they can go somewhere else. He asked what would happen if a stray dog walked through a parking lot and repeatedly set off the motion sensors.

Mayor Pengra closed the public hearing at 8:20 p.m.

Mayor Pengra noted that when the outdoor lighting ordinance was approved, it was expected to have changes. The change in the height of the light poles didn't change the total lumens allowed. In addition, 17 feet is an unusual height. Most light poles in commercial areas of the City are around 30 feet high.

Councilmember Ireland said he looked at the International Dark-Sky Association's website and found that taller light poles actually allow less light to escape than shorter poles do.

Councilmember Burnham said Questar made a good case for the taller light poles. City staff looked into the issue and found the Dark-Sky Association didn't advocate light poles shorter than 30 feet tall.

Councilmember Bradley stated that he voted for the change in the ordinance because it made sense to him. He asked Planning Director Steve Mumford if Eagle Mountain is eligible for a Dark-Sky Association certification. Mr. Mumford said it's very hard to achieve. It's extremely restrictive and requires a lot of legislation.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 17.56 of the Eagle Mountain Municipal Code for outdoor lighting. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

14. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Adopting a Bicycle and Pedestrian Master Plan.

This item was presented by David Foster of Alta Planning. The proposed resolution adopts a Bicycle and Pedestrian Master Plan, to be used in conjunction with the Parks and Open Space Master Plan, as a guide to future development within the City.

Alta Planning focuses on active transportation, meaning walking and biking. The plan makes facility and program recommendations to enable residents to safely increase their active transportation. The plan includes standardized bicycle and pedestrian facility development.

Alta Planning designed the plan to accommodate the City's unique, very young demographic through programs and infrastructure to allow them to get around without having to drive and to instill lifelong walking and biking habits. Biking and walking mitigate air quality problems, improve individuals' health and provide economic benefits to cities by attracting jobs and workforce.

Infrastructure, safety, funding, programs and encouragement were all addressed. Right now, almost all of Eagle Mountain's active transportation infrastructure consists of shared-use paths. A more developed system includes on-street bike lanes, shared roadways, protected bike lanes, shared-use paths and safe crosswalks.

Mayor Pengra asked if it was possible to create a map that showed the locations of the recommended facilities.

Councilmember Steinkopf stated he'd like to see bicycle racks at school bus stops. Mr. Foster said the design standards included recommendations for bike racks, spacing, and how to coordinate them with transit.

Councilmember Ireland asked if the plan has been presented to the major developers, the youth of the City and other key stakeholders. Mayor Pengra responded that it was advertised on social media, in Mayor's announcements and discussed at two public events.

Councilmember Ireland asked if there was any feedback from developers, since this would probably increase the costs of development. Mr. Foster said the plan used the standard street cross sections that would be adopted with the upcoming Master Transportation Plan. The notification list for the public meetings was comprehensive, but attendance was fairly poor. Mr. Mumford said developers and other stakeholders, such as the Alpine School District, will have more opportunities to comment.

Councilmember Bradley asked how much the plan cost the City. Mr. Mumford responded that the Mountainland Association of Governments paid for most of it through grants, and will pay for some additional design work, if necessary.

Mayor Pengra said he sits on the Active Transportation Committee of the Wasatch Front Regional Council. Eagle Mountain is far ahead of other cities because it's not trying to fit bicycle lanes into long-existing, crowded streets.

Councilmember Westmoreland asked if the City's horse and ATV trails could be incorporated into this plan. Mayor Pengra responded that most of those are on private land and are for a different recreational use.

MOTION: *Councilmember Bradley moved to adopt a Resolution of Eagle Mountain City, Utah, adopting a Bicycle and Pedestrian Master Plan. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

15. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Amending and Supplementing Assessment Ordinance No.19-2013, Adopted on September 17, 2013 to Amend the Assessment List in Assessment Ordinance No. 19-2013 and Reaffirm the Levying of Assessments Against Certain Properties in Assessment Area 2013-1; Establishing the Effective Date of the Amended Assessment Ordinance; and Related Matters.

This item was presented by City Attorney Jeremy Cook. The proposed ordinance amends Assessment Area 2013-1, which was adopted by the City Council in September, 2013 for property

in the Spring Run development. The developer is subdividing the property and desires to have the assessment in Zone C allocated to each lot in order to allow for the assessments on individual lots to be paid and released at the time the lots are sold.

Lewis Young Robertson & Burningham created a list of individual lots and their assessments. This agenda item approves this list as an amendment to the original Assessment Ordinance.

Councilmember Ireland wanted the City to set guidelines to determine what kinds of projects merit assessment areas. Mayor Pengra agreed that it needs to be done.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, amending and supplementing Assessment Ordinance No.19-2013, adopted on September 17, 2013 to amend the assessment list in Assessment Ordinance No. 19-2013 and reaffirm the levying of assessments against certain properties in Assessment Area 2013-1; establishing the effective date of the amended Assessment Ordinance; and related matters. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

16. BID AWARD – Consideration and Award of Bid to Horrocks Engineering for the City’s Park Impact Fee Facilities Plan Update.

This item was presented by City Engineer Chris Trusty. Horrocks Engineering will update the City’s Impact Fee Facilities Plan (IFFP) which will identify new facilities that will be needed to support future growth and to make recommendations for funding. After the IFFP is completed, the City would award a professional services contract to a financial institution for the Impact Fee Analysis. Changes to the City’s impact fees would require a 90-day waiting period before they became effective.

City Engineer Chris Trusty said the park impact fees haven’t been updated since 2012. Research by City staff indicated the park impact fees are far too low.

Councilmember Ireland asked how Horrocks was chosen. Mr. Trusty said Horrocks specializes in value-based assessments of IFFPs and are very competitive in their pricing.

Councilmember Ireland asked if this amount could come out of the \$288,000 budgeted for parks. Mr. Trusty explained that the \$288,000 covers the landscape maintenance with Elite Grounds.

MOTION: *Councilmember Burnham moved to award a bid to Horrocks Engineering for the City’s Park Impact Fee Facilities Plan update in the amount of \$8,436 and authorize the Mayor to sign the contract. Councilmember Ireland seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

17. BID AWARD – Consideration and Award of Bid to Lewis Young Robertson & Burningham (LYRB) for the City’s Wastewater Impact Fee Analysis.

This item was presented by City Engineer Chris Trusty. LYRB will update the Wastewater Impact Fee Analysis (IFA). The IFA will use the costs outlined in the Impact Fee Facilities Plan. This is the process used to set impact fees for new growth in the City. It is anticipated that this process

will take 4 weeks to complete. The completed document will be presented to the City Council before the end of the year, after which a 90-day waiting period will be required before changes to the City's impact fees would be implemented.

The IFA follows an update of the wastewater Impact Fee Facilities Plan. It was expected to be part of the fiscal year 2015 budget, but the IFFP took longer than expected to complete.

MOTION: *Councilmember Burnham moved to award a bid to Lewis Young Robertson & Burningham (LYRB) for the City's Wastewater Impact Fee Analysis in the amount of \$7,310 and authorize the Mayor to sign the contract. Councilmember Steinkopf seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

11. Budget Amendments – Vote on Item Previously Discussed.

Councilmember Ireland said \$15,000 is approved for Public Works professional services in the adopted budget. He wanted to know whether that should cover the last two agenda items. Public Works Director Dave Norman said it is for a pretreatment program. \$5,000 has been spent on the first phase. A second phase might be needed.

Councilmember Ireland discussed the \$3.2M amendment for the North Service Area waterline extension. Mr. Trusty said the design is almost done. The plan is to have the line installed and operational by April.

Councilmember Ireland asked what the next step would be if this amendment is not approved. Mr. Trusty responded that it would probably still be taken out to bid. Mr. Trusty would bring another budget amendment before the Council, this time with an actual bid amount. If an amendment was denied at that time, there would need to be a moratorium on building in the north area of the City.

Mr. Pili pointed out that going out to bid without a budgeted amount to spend puts the bidders at risk of expending a lot of time and effort to bid for a project that isn't funded. It's unheard of for a city to do that.

Councilmember Ireland felt bidders would bid to the amount budgeted. Mr. Trusty replied the project will be awarded to the lowest responsible bidder.

Mr. Jerome said the project could be paid entirely from the Water Fund, although it would take the fund virtually to zero. However, the Water Fund can borrow from the Sewer Fund if needed. Mayor Pengra placed part of the expense on the proposed project list for the utility sale proceeds to prevent the Water Fund from being spent down to zero. However, the utility proceeds could be paid back by the Water Fund over several years.

Councilmember Ireland didn't believe existing residents who paid into the gas and electric utilities ought to have to loan utility sale proceeds to benefit future development.

Mayor Pengra felt doing it this way will offer two net benefits. It would charge a lower interest rate than a bond would carry. It would also prevent an increase in water rates by creating a revenue stream over several years.

Councilmember Ireland didn't believe bonding should be part of the discussion, since it is possible to pay for the project out of current funds. He wanted to know how the City would go about charging interest for loaning utility sale proceeds to the Water Fund.

Mr. Pili said if interest was charged, it would be included in the Impact Fee Facilities Plan.

Councilmember Burnham asked that any loan considered from the utility sale proceeds include clear numbers so the Council can make an informed decision.

Mr. Pili explained that he's comfortable with reducing the Water Fund to zero because the City owns 750 acre feet of Central Water Project (CWP) water that can be sold for \$3M if needed. He said the reason the City is dealing with this financial issue is that the City paid a \$2.8M judgment recently from the Water Fund due to a lawsuit, and has also been making payments to CWP.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the fiscal year 2015-2016 annual budget, reducing the water optimization expenditure from \$127,590 to \$30,000; removing the North Service Area waterline extension, to be brought back at the next Council meeting; and funding all budget amendments without using any proceeds from the sale of the electric and gas utilities. Councilmember Bradley seconded the motion.*

Councilmember Westmoreland asked what impact the changes made by the motion would have.

Mayor Pengra said the road projects would be funded by the Capital Improvements Fund. He believed removing the waterline project will have a negative effect.

Councilmember Ireland said he wanted to know the analysis of every way the waterline project might be paid for. He didn't like the idea of using the utility sale proceeds for a long-term project.

Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.

18. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Steinkopf

No comment.

Councilmember Burnham

Councilmember Burnham asked Mr. Pili to get her on the Economic Development Board contact list, since they held a meeting and she wasn't notified. Mr. Pili said it was an exploratory meeting to see if the board would be able to continue. There was no quorum and no decisions were made, and said he would make sure she is on the list.

Councilmember Ireland

Councilmember Ireland appreciated people accommodating him.

Councilmember Westmoreland

No comment.

Councilmember Bradley

Councilmember Bradley asked to be informed of City employee activities so he can be involved and support them. He thanked the Mayor and staff for all their hard work.

Mayor Pengra

Mayor Pengra appreciated how the Council works together with him for the City.

19. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

None.

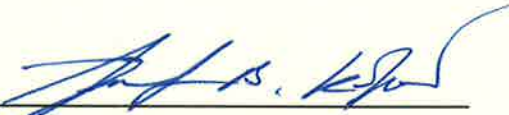
20. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

21. ADJOURNMENT

MOTION: *Councilmember Westmoreland moved to adjourn the meeting at 10:19 p.m. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON OCTOBER 20, 2015.



Fionndala B. Kofoed, MMC
City Recorder